

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|----------------|---|--------------------------|
| JOHN DOE, |) | |
| |) | No. 08 C 1050 |
| Plaintiff, |) | |
| |) | JUDGE JOAN B. GOTTSCHALL |
| v. |) | |
| |) | MAGISTRATE JUDGE |
| JASON FORTUNY, |) | ARLANDER KEYS |
| |) | |
| Defendant. |) | DEMAND FOR JURY TRIAL |

**PLAINTIFF’S MOTION FOR A SECOND EXTENSION OF TIME TO FILE
RESPONSE TO DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

NOW COMES the Plaintiff, John Doe (“Plaintiff”), by and through his attorneys, Mudd Law Offices, and files his Second Motion for an Extension of Time to File Response to Defendant’s Motion to Dismiss Plaintiff’s Complaint and states as follows:

1. On February 20, 2008, Plaintiff filed his Complaint in the above-captioned action.
2. The Plaintiff made substantial efforts to serve Defendant Jason Fortuny (“Defendant”) through regular means.
3. On May 21, 2008, the Court granted Plaintiff’s “motion for leave to obtain service of process on the defendant through alternative means because of difficulties in obtaining service through regular means.” May 21, 2008 Order (Doc. #17).
4. On June 23, 2008, Plaintiff’s counsel filed a declaration attesting that service had been effectuated according to the Court’s May 21, 2008 Order.
5. On July 11, 2008, after finally being effectively served, the Court received correspondence from the Defendant.
6. On July 14, 2008, the Court ordered the Clerk to treat Defendant’s correspondence as a Motion to Dismiss (“Defendant’s Motion”). The Court also ordered

Plaintiff to respond to Defendant's Motion on or before August 11, 2008 and the Defendant to file his reply on or before September 1, 2008.

7. Due to personnel issues, on August 6, 2008, the Plaintiff's counsel respectfully sought an extension of time until August 25, 2008 in which to file a response to Defendant's Motion. The Court subsequently granted the requested extension.

8. Since then, Plaintiff's counsel has diligently worked upon the Plaintiff's Response to Defendant's Motion. Although Defendant's Motion is deficient on a number of grounds (the least of which is the format and lack of developed arguments), it raises a substantial number of issues that need to be substantively addressed including, but not limited to, personal jurisdiction, fair use, First Amendment protection, and attacks on the common law claims. As such, Plaintiff's counsel will be unable to adequately complete the Response by August 25, 2008.

9. For the foregoing reasons, Plaintiff requests an additional extension of time of fourteen days from August 25, 2008, or until September 8, 2008, in which to respond to Defendants' Motion. Although Plaintiff will likely not need this much time, he does not wish to request an additional extension of time due to the upcoming holiday on September 1, 2008. Additionally, Plaintiff's counsel requests that the deadline for Defendant's reply be extended until September 1, 2008.

10. Therefore, the Plaintiff respectfully moves this Court to (a) strike the existing briefing schedule on Defendant's Motion; (b) provide Plaintiff until September 8, 2008 in which to file a response to Defendants' Motion; and (c) provide Defendant until September 29, 2008 in which to file a reply in support of Defendants' Motion.

11. This motion is brought in good faith and not for purposes of delay.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting the above requested relief.

Dated: Chicago, Illinois
August 24, 2008

PLAINTIFF,
JOHN DOE

s/Charles Lee Mudd Jr.

By: One of His Attorneys
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